

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

United States of America,

Plaintiff,

v.

Anthony Joseph Tenerelli,

Defendant.

Criminal No. 07-194(1) (JNE/FLN)  
Civil No. 11-1300 (JNE)  
ORDER

A jury found Anthony Joseph Tenerelli guilty of (1) conspiracy to distribute and possess with intent to distribute methamphetamine, (2) possession with intent to distribute methamphetamine, and (3) the crime of being a felon in possession of a firearm. The Court sentenced him to 280 months' imprisonment, he appealed, and the Eighth Circuit affirmed.

*United States v. Tenerelli*, 614 F.3d 764 (8th Cir. 2010), *cert. denied*, 131 S. Ct. 1589 (2011).

After the denial of his petition for a writ of certiorari, Tenerelli moved under 28 U.S.C. § 2255 (Supp. III 2009) to vacate, set aside, or correct his sentence. On July 12, 2011, this Court issued an order denying Tenerelli's § 2255 motion and his motion for appointment of counsel. Tenerelli submitted a request to file a reply memorandum of law to the government's response in opposition to Defendant's motion to vacate along with a request for an expansion of the line limit under the local rules. The Court received Tenerelli's reply memorandum of law simultaneously with his request. Tenerelli then timely filed a motion under Federal Rule of Civil Procedure 59(e) to alter or amend the July 12, 2011 judgment denying the § 2255 motion.

In his reply memorandum, Tenerelli reasserts that videotapes were improperly seized and admitted into evidence, and that he received ineffective assistance of counsel on appeal. These arguments were addressed in Tenerelli's original memorandum in support of his motion to vacate, set aside or correct sentence under § 2255, and Tenerelli offers no new arguments or

evidence of innocence in his reply. After considering Tenerelli's reply memorandum, his motion is denied for the reasons set forth in the July 12, 2011 order.

Based on the files, records, and proceedings herein, and for the reasons stated above, IT  
IS ORDERED THAT:

1. The judgment entered on July 12, 2011 [Docket No. 224 in Criminal No. 07-194] is VACATED.
2. Tenerelli's motion to submit a reply memorandum of law in response to the Government's response in opposition to Defendant's motion to vacate [Docket No. 226 in Criminal No. 07-194] is GRANTED with the expanded line limit.
3. Tenerelli's motion to alter or amend the judgment on his § 2255 motion [Docket No. 228 in Criminal No. 07-194(1)] is DENIED.
4. An evidentiary hearing is DENIED.
5. A certificate of appealability is DENIED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 31, 2011

s/ Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Judge